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*Of Counsel*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

CONSTANTIN OCHESCU,  
LILIANA COSMA,  
DITECH FINANCIAL LLC, and  
REPUBLIC SERVICES, INC.,

Defendants.

Case No.: 2:15-cv-02424-APG-GWF

**THE UNITED STATES' AND DITECH  
FINANCIAL LLC'S JOINT MOTION  
TO EXTEND TIME FOR DITECH TO  
MAKE A CLAIM TO FORECLOSURE  
PROCEEDS**

**(Second Request)**

The United States and Ditech Financial LLC (“Ditech”) jointly move for a 14-day extension of time for Ditech to submit a claim to the proceeds from the sale of the property at issue in this matter. The parties have been discussing a possible resolution, and believe the requested extension, from Friday March 29, 2019, to Friday, April 12, 2019, will assist in that process, and might reduce the need for further motions practice. In support of this request, the moving parties submit as follows:

1) The United States brought this suit to obtain a judgment for defendant Constantin Ochescu's delinquent federal income taxes, and to foreclose on certain real property to help satisfy the judgment. The United States named Ditech as a defendant because the United States believed Ditech might claim a mortgage interest on the property.

2) The Court issued an amended Order for Sale that allowed the United States to sell the property. (ECF No. 54 (the “Amended Sale Order”)). The Order provided for the Court to issue a subsequent order confirming the sale, once it had taken place, and allowed Ditech an additional 30 days to make a claim to a portion of the sales proceeds. (*Id.* at 6-7). The United States would then have 30 days to respond or object to the claim. (*See also* ECF No. 62 at 5). The sale has been conducted, and the Court has issued the confirmation Order on January 30, 2019. (*See* ECF 61; ECF 62).

3) While the parties currently dispute the amount that should be paid to Ditech, if any, they are negotiating in good faith to attempt a resolution. Ditech's parent company recently filed for Chapter 11 bankruptcy, which has added to the time needed to finalize an agreement in this matter. However, the parties believe the requested extension will allow them to continue their negotiations, potentially saving the parties and the Court the burden and costs of additional motions practice.

4) This motion is not made for delay, but to allow the parties time to reach a resolution, if possible.

1           WHEREFORE, the United States and Ditech jointly request a 14-day extension for Ditech to  
2 make a claim to the sales proceeds at issue in this case.

3           Dated: March 29, 2019

4           Respectfully submitted,

5           RICHARD E. ZUCKERMAN  
6           Principal Deputy Assistant Attorney  
7           General

/s/ Jory C Garabedian  
          Jory C. Garabedian

          ALDRIDGE PITE, LLP

8           /s/ E. Carmen Ramirez  
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12          NICHOLAS A. TRUTANICH  
13          United States Attorney  
14          District of Nevada  
15          Of Counsel

16          Attorneys for the United States of America

17                                   IT IS SO ORDERED.

18                                     
19                                   United States District Judge

20                                   DATED: April 1, 2019

1 **CERTIFICATE OF SERVICE**

2 IT IS HEREBY CERTIFIED that service of the foregoing is made this 29<sup>th</sup> day of March, 2019  
3 on the following parties, by the following means:  
4

5 By ECF:

6 Republic Silver State Disposal, Inc. d/b/a Republic Services, Inc.  
7 c/o Donald H. Williams  
8 Williams & Associates  
612 South Tenth St.  
Las Vegas, NV 89101

9 Ditech Financial LLC  
10 c/o Jory Garabedian and  
Laurel Handley  
11 Aldrige Pite LLP  
520 South 4<sup>th</sup> St., Suite 360  
12 Las Vegas, NV 89101

13 /s/ E. Carmen Ramirez  
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14 Trial Attorney, Tax Division  
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